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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,201	07/15/2003	Douglas C. Arndt	IDE1-N50	8719

7590

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EXAMINER

FAISON, VERONICA F

ART UNIT PAPER NUMBER

1755

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,201

Applicant(s)

ARNDT

Examiner

Veronica F. Faison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-18 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 12 is objected to because of the following informalities: In claim 12, line 4, Applicant recites "chilating", the Examiner believes this to be a misspelling and should be replaced with --chelating--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 11, 12, 15, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Vassiliades (US Patent 4,879,134).

Vassiliades teach a self-contained liquid composition for use in making fingerprints comprising the reaction product of at least one leuco or non-leuco chromogenic compound and at least one color-developing substance in a liquid vehicle that is a solvent for said chromogenic compound and reaction product and a solvent or dispersant for the color-developing substance (abstract and col. 2 lines 23-40). The preferred dyes are leuco chromogenic compounds (color former) (col. 2 lines 44-65). The solvents used in the composition may include alkylated phenols, chlorinate paraffins, alkylated naphthalene, partially hydrogenated terphenyls, soya bean oil, cottonseed oil, coconut oil, ester alcohols, alkylated glycol ether and ether (nonionic surfactant) (col. 3 line 53-col. 4 line 7). The composition may be any color, however the

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preferred color is black (col. 4 lines 8-10). The dye and color-developer react under ambient conditions of temperature and pressure. The reference further teaches that clear stable fingerprints can be made without soiling the fingers, the solution is removed from the finger when the finger is applied to the substrate, usually paper on which the print is to be retained (col. 4 lines 11-29). The reference also teaches that small amounts of metallic ions such as zinc, cadmium, nickel, aluminum, magnesium and manganese in the form of salts may be added to the solution. The addition of the metallic ions seems to catalyze the dye-color developer reaction and significantly increase the intensity and the rate of appearance of the final fingerprint (col. 4 lines 30-40). A minor amount of printer's ink may be added to the solution in the amount of 1 to 5 percent (col. 5 lines 20-21). The composition appears to anticipate the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 9, 16-18, 23, 24, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vassiliades (US Patent 4,879,134) as applied to claims 1, 10, 11, 12, 15, 25 above.

Vassiliades is described above but fails to teach the specific nonionic surfactant.

The reference broadly teaches soya oil and alkylated glycol ethers (nonionic surfactants), which would encompass ethoxylated oil (nonionic surfactant) claimed by Applicant absent evidence to the contrary. The reference fails to teach the composition applied to a tire tread and a bottom of a shoe. However it would have been obvious to one of ordinary skill in the art that if the composition may be applied to a finger that the composition may also be applied to a tire tread and shoe sole absent tangible evidence to the contrary.

Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vassiliades (US Patent 4,879,134) as applied to claims 1, 10, 11, 12, 15, 25 above, and further in view of Kuno et al (US 2003/0133958).

Vassiliades is described above but fails to teach the specific nonionic surfactant.

Kuno et al teaches a composition comprising an emulsifying agent (nonionic surfactant) including polyoxyethylene (POE) alkyl ether, wherein polyoxyethylene is also known as polyethylene glycol (page 16 para. 0150). Therefore it would have been obvious to one of ordinary skill in the art to use the emulsifying agent (surfactant) in the composition of Vassiliades as Vassiliades broadly teaches alkylated glycol ether (nonionic surfactant).

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 5-8 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The references alone or in combination fail to teach printing composition wherein the surfactant is that set forth in claims 5-8 and 19-22.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica F. Faison whose telephone number is 571-


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272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VFF


Mark L. Bell
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